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COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 84th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 April 1991, at 3 p.m.

Chairman: Mr. VOYAME

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.84/Add.1.

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

1. Mr. MARTENSON (Under-Secretary-General for Human Rights) informed the Committee that, at its forty-fifth session, the General Assembly had adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The committee to be established under that Convention after its entry into force, which would require 20 ratifications, would initially consist of 10 members, increasing to 14 after 41 ratifications. The committee would be entrusted with functions similar to those of other treaty bodies, including the Committee against Torture, such as the consideration of reports from States parties and inter-State or individual communications.

2. The Committee would recall that he had informed it at its last session of the entry into force on 2 September 1990 of the Convention on the Rights of the Child and of the fact that the ratification process relating to that instrument had been proceeding at a pace beyond the most optimistic expectations. That positive trend had continued in recent months and the number of ratifications in the period October 1990 to March 1991 had risen from 53 to 78.

3. It also gave him satisfaction to be able to report that, in resolution 45/155, the General Assembly had given its final approval to the convening of a World Conference on Human Rights in 1993. As established by the General Assembly, the main purposes of the Conference would be to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights; to examine the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights; and to evaluate the effectiveness of United Nations human rights activities and mechanisms in order to improve them and to improve the implementation of existing human rights standards and instruments.

4. The Preparatory Committee of the Conference would be meeting for the first time in Geneva during the second week of September 1991 and the General Assembly had encouraged the chairmen or other designated members of human rights expert bodies to take part in the work of the Preparatory Committee. It was clear that the success of the Conference would depend in large measure on the care with which the preparatory activities were carried out. Having been designated as the Secretary-General of the World Conference, he himself would be devoting a great deal of energy in the coming months to its preparation.

5. The Assembly had asked for the involvement of a wide spectrum of United Nations bodies in the preparations for the Conference and had encouraged the Chairman of the Commission on Human Rights, the chairmen or other designated members of human rights expert bodies and the rapporteurs and chairmen or designated members of working groups to take part in the work of the Preparatory Committee. It had also requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies and regional and non-governmental organizations involved in human rights

to assist the Preparatory Committee and to undertake reviews, submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and participate actively in the Conference. The Committee against Torture might well wish to give its close consideration to that issue with a view to its own contribution.

6. In September 1990, the Secretary-General had convened the World Summit for Children in New York. The Heads of State or Government of 71 nations, joined by high-level representatives of another 88 countries, had adopted the Declaration and Plan of Action on the Survival, Protection and Development of Children and, subsequently, the General Assembly had urged all relevant organizations and bodies within the United Nations system to take into account the goals, strategies and recommendations of the Declaration and Plan of Action in carrying out their programmes. The Assembly had also called upon the Secretary-General to ensure the implementation and monitoring of that resolution by the relevant United Nations organs, organizations and bodies.

7. Pursuant to the Assembly's request, the documents of the Summit were being transmitted to each of the expert human rights treaty bodies, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs and working groups with the suggestion that they review their area of activities to determine how it was relevant to the survival, protection and development of the child and to ascertain how they could increase the impact of those activities on the promotion of the rights of the child. They dealt with a wide range of subjects relevant to a greater or lesser degree to the rights of the child and he encouraged them to refer to the situation of children in their reports and to explore such issues as equality and empowerment. The documents of the Summit would be made available to the Committee at the current session.

8. The Committee might also wish to note the standards adopted or approved by the General Assembly as a result of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

9. At its most recent session, the General Assembly had also thoroughly discussed issues relating to the effective implementation of international human rights instruments. In its resolution 45/85, the Assembly reiterated its earlier invitation to the treaty bodies to give priority attention to identifying possible technical assistance projects when reviewing the periodic reports of States parties. In addition, the Assembly had given its general endorsement to the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held in Geneva in October 1990, and had decided to revert to those conclusions and recommendations at its next session in the light of the deliberations of the Commission on Human Rights at its forty-seventh session. The Commission's deliberations concerning a number of financial, legal and other questions relating to the functioning of treaty bodies were contained in its resolution 1991/20, which had been made available to the members of the Committee together with other resolutions relevant to the Committee's work.

10. Pursuant to the General Assembly's requests, the Secretary-General intended shortly to transmit the consolidated guidelines for the initial part of reports to all States parties, which would be requested to submit the required information and data to the secretariat in a "core document" by the

end of 1991. It would be recalled that the consolidated guidelines had been considered and approved by the Committee in April 1990 and the Committee might consider taking formal action to amend the existing reporting guidelines to reflect the introduction of the consolidated guidelines. In addition, the Manual on Reporting was currently being printed and would be circulated to States parties in the near future.

11. At their latest sessions, the General Assembly and the Commission on Human Rights had dealt specifically with the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under their relevant agenda items. In their resolutions on those issues, both the Assembly and the Commission reiterated their requests to all States to become parties to the Convention as a matter of priority and once again invited all States, upon ratification or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention. The Commission on Human Rights had also requested its Special Rapporteur on questions relating to torture to continue to promote universal accession to the Convention and to encourage all States to fulfil its provisions strictly. In fact, a large number of States had not yet acceded to the Convention and only one State, Romania, had become a party to that instrument since November 1990.

12. During the debates on human rights issues in November 1990, the Third Committee of the General Assembly had also dealt with the Committee's activities and the relevant documentation was already available. In its resolution 45/142, the General Assembly welcomed the continuing close contacts and exchange of information, reports and documents between the Committee and the Special Rapporteur of the Commission on Human Rights on questions relating to torture.

13. The Third Committee had also considered the report of the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture established by the General Assembly in 1981. It might be noted from the report that the amount of contributions received by the Board of Trustees of the Fund was constantly growing, thereby enabling the Board to finance, in particular, therapy and rehabilitation projects for victims of torture throughout the world. Since it had begun operations in 1983, 198 grants totalling nearly $US 5,400,000 had been authorized for 118 projects.

14. As in the past, the focus of the Board's recommendations was on programmes providing direct medical, psychological, social or other assistance to torture victims and their families. The Board had also made recommendations for support for training programmes for health professionals of several countries on the techniques of treatment of victims of torture and for meetings of health professionals. Those projects were carried out in some 30 countries and benefited persons from many other countries. It was most encouraging that the recent meeting of the Board of Trustees had permitted a resumption of the exchange of views between the Board and the Committee, a practice which could usefully be extended to other areas of joint concern.

15. Issues relating to torture and other cruel, inhuman or degrading treatment or punishment had once again been discussed by the Commission on Human Rights at its 1991 session. The Special Rapporteur on questions relating to torture had submitted to the Commission a new comprehensive report on his activities. During the reporting period, the Special Rapporteur had continued to receive increasing numbers of requests for urgent action or information containing elements which, in his view, justified such urgent action. The requests had mainly concerned persons who were allegedly being subjected to torture or about whom fears had been expressed that they might be subjected to torture, usually while being held incommunicado in police or army custody, or during interrogation. The Special Rapporteur had brought 70 of those cases to the immediate attention of the Governments concerned. Correspondence concerning allegations of torture or ill-treatment had also been exchanged between the Special Rapporteur and more than 50 Governments.

16. In addition, the report contained detailed information on the Special Rapporteur's visit to the Philippines in October 1990. In his recommendations, many of which could also be found in his previous reports, the Special Rapporteur had emphasized certain practical measures that national authorities should adopt to fight effectively against torture, ranging from strict rules concerning detention and interrogation to regular inspections of places of detention and the establishment of specific recourse procedures for victims of torture. In its resolution 1991/38, the Commission on Human Rights supported the various recommendations made by the Special Rapporteur and once again considered it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, in particular with a view to establishing procedures for cooperation and avoiding any overlapping in the activities of the United Nations in combating torture.

17. He recalled that the Government of Costa Rica, basing itself largely on the work of the International Commission of Jurists, had submitted to the Commission on Human Rights in 1980 a draft optional protocol to the Convention against Torture providing for a system of periodic visits by a committee of experts to places of detention or imprisonment within the jurisdiction of States parties to the Convention. However, since the Convention itself had still been under elaboration at that time, it had been agreed by all concerned that consideration by the Commission of the draft protocol should be deferred until the Convention against Torture had been adopted.

18. The idea of an international system of periodic visits to places of detention or imprisonment had become a reality at the regional level in 1989, when the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had entered into force. In the meantime, the Government of Costa Rica, together with other Governments, non-governmental organizations and independent experts, had continued to pursue the idea of establishing a worldwide system and it was against that background that the Commission on Human Rights had decided to consider the question of the draft optional protocol to the Convention at its last session. In his report to the Commission, the Special Rapporteur on questions relating to torture had strongly supported the proposed system of visits to places of detention or imprisonment, expressing the view that the adoption of the draft optional protocol would encourage cooperation between individual Governments and the international community for the promotion of respect for human rights. The Commission on Human Rights had decided to consider the draft optional protocol at its next session in February 1992.

19. The Commission had also taken important decisions concerning the question of arbitrary detention. The Committee had often expressed concern about conditions of detention, especially detention which was not subject to judicial control and which might easily lead to practices of torture, and the Commission had therefore decided to create, for a three-year period, a working group composed of five independent experts with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned. The establishment of the working group was subject to the approval of the Economic and Social Council and its members would be appointed by the Chairman of the Commission on Human Rights after consultation with the Bureau.

20. Referring in conclusion to the activities of the Centre for Human Rights within its advisory services and technical cooperation programme, he said that, in those activities, the basic United Nations norms prohibiting torture were the focus of significant attention. At the invitation of the Government of India, the Centre had organized a national workshop on the rights of the child in December 1990 and had co-sponsored the World Congress for Human Rights, held in New Delhi in December 1990. In addition, a training course had recently been held by the Centre in San Remo on the implementation of international human rights instruments and the administration of justice for officials of French-speaking African countries; a further course would follow later in 1991 for officials from English-speaking African countries. Finally, a workshop had been organized by the Centre on Human Rights teaching for Portuguese-speaking countries in Lisbon. In the coming months, the Centre was planning to organize regional workshops and national training courses. In that connection, he pointed out that the Commission on Human Rights had invited the competent United Nations bodies, such as the Committee, to make suggestions and proposals for the implementation of advisory services.

The public meeting rose at 3.40 p.m.